

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DISTRICT

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STEPHON LINDSAY,

Plaintiff,

v.

RICHARD ALLEN, et al.,

Defendants.

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CIVIL ACTION NO. 2:07-CV-399-MHT
[WC]

W. P. HACKETT, JR.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MOTION FOR SUBPOENA

Comes now the Plaintiff, Stephon Lindsay, pro se in the above styled cause, and respectfully petitions this Honorable Court pursuant to Rule 45(a)(2)(C) for the issuance of two (2) subpoenas. Plaintiff respectfully offers to this Court the following as grounds for the issuance of said subpoenas:

1.) That Plaintiff has two (2) unnamed and unknown Defendants, specifically, Nurse Jane Doe (older African-American female), and John Doe (Ala. Dept. of Corrections Investigations and Intelligence, African-American male, 45-55 years old, glasses).

2.) Through no lack of effort and using due diligence, Plaintiff is unable to learn the true names of these two (2) Defendants.

3.) That the identities of these two (2) unknown Defendants are essential to Plaintiff's prosecution of this §1983 complaint. Revealing their identities will lessen the chances of mistaken identity of the individuals involved in this action.

4.) That properly and correctly identifying these Defendants now will lessen the chance of confusion on the Plaintiff's part, the Defendants part, or the Court's part.

5.) That Plaintiff is an incarcerated person pursuing a §1983 claim and acting pro se who has a limited ability and means of identifying these individuals.

6.) That Plaintiff has exhausted all avenues available to him in trying to identify these two (2) individuals and should not be penalized for not being able to learn their identities through no fault of his own.

As such, Plaintiff asks that this Court issue a subpoena to the following Defendants for the therein named reasons:

(A) Issue one (1) subpoena to Defendant Richard Allen, Commissioner, Alabama Department of Corrections (ADOC), who is the Investigations and Intelligence (I/I) Division's superior. Plaintiff asks that Commissioner Allen be asked to provide to this Plaintiff (and the Court, if so desired), the name of the ADOC I/I Division officer that conducted the investigation of the incident on which this present §1983 claim rests. This incident took place at Bullock County Correctional Facility on January 8, 2007.

(B) Issue one (1) subpoena to Defendant Cummins, Warden of Bullock County Correctional Facility, for the purpose of learning the identity of the unnamed Jane Doe nurse Defendant that was present at Bullock County Correctional Facility Health Care Unit (HCU) on January 8, 2007. Defendant Cummins has in his possession as Warden of Bullock County Correctional Facility certain sign-in-sheets that show which employees of Prison Health Services, Inc. were present at the institution on the day of the event that is the basis of this §1983 complaint. The Central Control area of Bullock County Correctional Facility retains these said logs and these logs will clear up the identity of the Jane Doe nurse that Plaintiff seeks to properly identify.

WHEREFORE, Plaintiff respectfully moves this Honorable Court for the issuance of two (2) subpoenas at this time.

Respectfully submitted on this 25th day of July, 2007.

Stephon Lindsay 207044
Stephon Lindsay, Plaintiff, pro se
AIS #207044, Dorm E4
Ventress Correctional Facility
P.O. Box 767
Clayton, AL 36016-0767

CERTIFICATE OF SERVICE

I hereby certify that I have on this 25th day of July, 2007, served a copy of the foregoing motion on the parties listed below by placing a copy of the same in the U.S. mail with first class postage prepaid here at Ventress Correctional Facility to the following addressess:

William R. Lunsford
Maynard, Cooper & Gale, P.C.
655 Gallatin Street
Huntsville, AL 35801

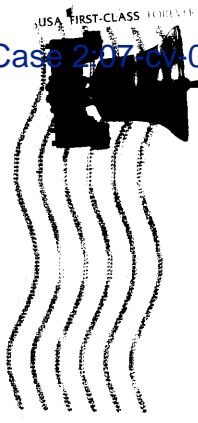
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Stephon Lindsay
Stephon Lindsay, Plaintiff, pro se

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United States District Court
for the Middle District
Clerk's Office
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